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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM :HON'BLE SHRI S.R. NAYAK, CJ.
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition No.6648 of 2006

PETITIONERS

1. Union of India,
   Through the Secretary,
   Ministry of Communications,
   Government of India,
   Department of Posts,
   "Dak Bhawan" Parliament Street,
   New Delhi.
2. The Senior Superintendent of Post Offices,
   Durg Division, Bhilai (C.G.)

Versus

RESPONDENTS

1. Shri R.R. Khare,
   Son of Shivlal Khare,
   Aged about 52 years, Resident of Kusimkasa, Near Dalli Rajhara, District Durg (C.G.)
2. Central Administrative Tribunal
   Through The Registrar,
   Jabalpur (M.P.)

Present : Shri S.K. Beriwal, learned counsel for the petitioners.

ORAL ORDER
(Passed on 11th December, 2006)

The following oral order of the Court was passed by

S.R. Nayak, CJ.

If we may say so, the Government of India and the Senior Superintendent of Post Offices, the petitioners herein, are not well advised in preferring this writ petition under Articles 226 & 227 of the Constitution of India to question the correctness of Order of the Central Administrative Tribunal, Jabalpur Bench, Jabalpur dated 23rd June 1999 as well as the Order dated 30th August 2006 made in O.A. No.127 of 1992 and Misc. Appeal No.725 of 2006 filed in O.A. No.127 of 1992. It is quite startling

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that the petitioners advised and assisted by battery of standing counsel could file such frivolous writ petition. We say this because of more than one reason. The Tribunal by its order dated 23rd June 1999 passed in O.A. No.127 of 1992 allowed the application of the first respondent herein and quashed the impugned order dated 23.11.1987 and 18.04.1990, and directed the petitioners herein to proceed with further proceedings envisaged under the provisions of CCS (CCA) Rules, 1965 from the stage of receipt of the Enquiry Officer's report. In other words, the Tribunal having found that the Disciplinary Authority imposed penalty of removal as a disciplinary measure on the alleged misconduct attributed to the first respondent without furnishing enquiry report as required, had allowed the application of the first respondent and passed the above order. Feeling aggrieved by the above order , the very petitioners herein had preferred writ petition No.4583 of 1999 before the High Court of Madhya Pradesh and that writ petition, on transfer, was admittedly dismissed by this Court vide order dated 24.06.2003. It appears that in the certified copy of the order dated 23rd June 1999, the first respondent who was the applicant before the Tribunal was wrongly described as R.K. Khare instead of correctly mentioning his name as R.R. Khare. In the circumstance, the first respondent moved Misc. Application 725 of 2006 before the Tribunal for correction of his name and that application was ordered by the Tribunal vide its order dated 30th August 2006.

(2) This writ petition is liable to be dismissed in *limine* by applying doctrine of resjudicata. The order made by this Court on 24.06.2003 in W.P. No.4583 of 1999 has become final and it would

operate as resjudicata and consequently this writ petition is not maintainable. Accordingly, this writ petition is dismissed. No costs.

Sd/-
Chief Justice

Sd/-
V.K. Shrivastava
Judge